



**STATE OF TEXAS**

**COUNTY OF DALLAS**

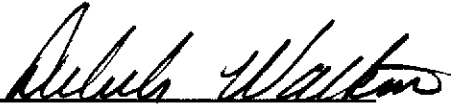
**CITY OF DALLAS**

I, **DEBORAH WATKINS**, City Secretary of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

**FILE NO. 04-3271**

filed in my office as official records of the City of Dallas, and that I have custody and control of said records.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the 27<sup>th</sup> day of **July, 2009**.

  
**DEBORAH WATKINS**  
**CITY SECRETARY**  
**CITY OF DALLAS, TEXAS**

AG

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 10, 2004

04-3261

Addendum addition 24: Authorize (1) the Dallas Housing Finance Corporation to issue tax-exempt mortgage revenue bonds in an amount not to exceed \$15,000,000 and taxable bonds in an amount not to exceed \$500,000 for the benefit of TX Simpson Villas Housing, L.P. for the new construction of up to 250 multifamily units for families, to be known as the Simpson Villas Apartments, located at 3200 Simpson Stuart Road; and, (2) support for the Texas Department of Housing Community Affairs to issue 4% tax credits to support development of the project - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

Deputy Mayor Pro Tem Hill moved to deny the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Chaney absent on city business; Greyson absent)

November 10, 2004

**WHEREAS**, on April 25, 1984, the City of Dallas (City) approved and authorized the creation of the Dallas Housing Finance Corporation (DHFC) as a Texas nonprofit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A. as amended (the Act), to act on behalf of the City in carrying out the public purposes of the Act; and

**WHEREAS**, DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for housing development for persons of low and moderate income to be located within the city; and

**WHEREAS**, on October 9, 2003, DHFC issued a preliminary inducement for the issuance of a multifamily mortgage revenue bonds in an amount not to exceed \$15,000,000 tax-exempt and \$500,000 taxable for the benefit of TX Simpson Housing, L.P. (Applicant) to finance land acquisition and construction of 250 new multifamily units for families, referred to as the Simpson Villas Apartments; and

**WHEREAS**, on October 5, 2004, the Applicant was issued a Certificate of Reservation for a tax-exempt bond allocation from the Texas Bond Review Board in the amount of \$15,000,000; and

**WHEREAS**, under the TDHCA 2004 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Low Income Housing Tax Credits or private activity bonds, the Applicant must obtain prior approval of the development from the governing bond of the municipality; and

**WHEREAS**, as a condition for being awarded the 4% tax credits from the TDHCA, the Applicant has committed to renting 125 units to tenants with incomes and rents capped at 50% or below the Area Median Family Income (AMFI) and 125 units to tenants with incomes and rents capped at 60% or below AMFI, in compliance with the maximum Housing Tax Credit and Tax Exempt Bond rents as published by the Texas Department of Housing and Community Affairs, with all units for families; The Applicant will also receive tax credit equity in the approximate amount of \$5,399,372; and

**WHEREAS**, the Owner of the project will expend an estimated \$50,000, but no less than \$200 per unit annually or \$40,000 annually, whichever is greater, for tenant support social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after school programs, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities; and

# DID NOT PASS

APPROVED \_\_\_\_\_  
HEAD OF DEPARTMENT

APPROVED \_\_\_\_\_  
CITY CONTROLLER

APPROVED \_\_\_\_\_  
CITY MANAGER

November 10, 2004

**WHEREAS**, of the proposed 250 total units, TX Simpson Housing, L.P. has agreed to set aside for a period of fifteen (15) years, 5 units for long-term affordable housing for very low income tenants with household incomes at or below 50% AMFI consisting of 2 three-bedroom, 2 two-bedroom and 1 one-bedroom with housing costs, (rent plus utilities), not to exceed 25% of the households' gross income, down to a floor housing cost (rent plus utilities) set at 25% of the income of households earning 30% of AMFI adjusted for family and unit size (Walker Units); **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the DHFC is authorized to issue a Multifamily Mortgage Revenue Bond, Series 2004, for the land acquisition and new construction of the proposed 250-unit Simpson Villas Apartments for families to be located at 3200 Simpson Stuart Road in a face amount not to exceed \$15,000,000 tax-exempt and \$500,000 taxable for the benefit of TX Simpson Housing, L.P., a Texas Limited Partnership whose General Partner will be an entity initially owned by Brian Potashnik.

**SECTION 2.** That the City of Dallas approves and supports the new construction of the Simpson Villas Apartment project, consisting of up to 250 multifamily housing units for families, comprised of 22 one-bedroom units; 114 two-bedroom units and 114 three-bedroom units located at 3200 Simpson Stuart Road by TX Simpson Housing, L. P. and further supports the award of 4% low income housing tax credits pursuant to §50.5(a)(7)(B) and §50.5(a)(8)(D)(iv) of the Texas Department of Housing and Community Affairs Qualified Allocation Plan, subject to the conditions set forth herein.

**SECTION 3.** That the DHFC will include language in the Land Use Restriction Agreement for the Simpson Villas Apartment Project that will require: (1) that the Applicant expend a minimum amount of \$200 per unit annually or \$40,000 annually, whichever is higher, for tenant support social services for the tenants of the Simpson Villas Apartments; (2) that the Applicant shall determine the services to be provided based upon a survey of tenant needs performed within six months after completion of the construction and initial occupancy of the project; (3) that the services shall be provided at no cost to the tenants and include all or some of the following services after school programs, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, job training, life skills, parenting and nutrition classes, etc.) and social services and recreational activities; (4) that staffing for after school programs will maintain a ratio of no less than one adult instructor for every 20 participating children; and (5) that a third party contractor acceptable to the DHFC shall annually monitor and report to the DHFC on the compliance with the tenant support social services and rental restrictions on the Project at the expense of the Applicant;

**DID NOT PASS**

APPROVED \_\_\_\_\_  
HEAD OF DEPARTMENT

APPROVED \_\_\_\_\_  
CITY CONTROLLER

APPROVED \_\_\_\_\_  
CITY MANAGER

November 10, 2004

**SECTION 3. (continued)** and (6), if the LURA does not require the tenant support social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City guaranteeing the City that the social services expenditures will be made. In-kind social services may count toward meeting up to 50% of the tenant support social services requirements, with prior City approval.

**SECTION 4.** That, prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City with regard to security related design standards.

**SECTION 5.** That the DHFC will provide an annual report to the City on the expenditures for tenant support social services programs made by the borrower for residents of the Simpson Villas Apartments, including the types of programs provided and the amounts expended by program.

**SECTION 6.** That the approval of the City is provided solely for the purpose of satisfying the conditions and requirements of Section 147(f) of the Internal Revenue Code and the Corporation's Articles of Incorporation and By-Laws and the City's consent to issuance and plan of financing of the DHFC's Multifamily Mortgage Revenue Bonds – Simpson Villas Apartments, shall not be construed so as to subject the City, its officers or employees to any liability or obligation with respect to the Bonds. The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas, Dallas County and State of Texas and that the City of Dallas, Dallas County and State of Texas are not liable with respect to the Bonds.

**SECTION 7.** That the City Manager is authorized to convey a copy of this resolution to the Applicant and the TDHCA with a written statement of support by the City Council referencing §50.5(a)(7)(B) and §50.5(a)(8)(D)(iv) of the Qualified Allocation Plan, subject to the conditions set forth herein.

**SECTION 8.** That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

**DISTRIBUTION:**

Housing Department

City Attorney's Office

Office of Financial Services/Community Development, 4FN

**DID NOT PASS**

APPROVED

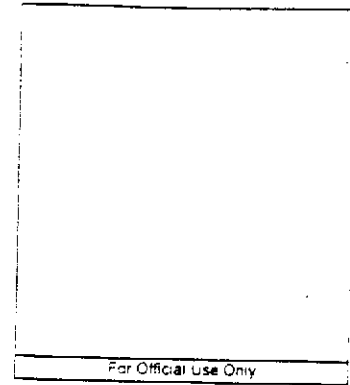
HEAD OF DEPARTMENT

APPROVED

CITY CONTROLLER

APPROVED

CITY MANAGER



For Official Use Only

## DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One	Fill in Appropriate Information	
<input checked="" type="checkbox"/> Elected Official	Office Held	
<input type="checkbox"/> Appointed Official	Board or Commission/ Title	
<input type="checkbox"/> City Employee	Title/Department	

1. Name of Employee/Official: James L. Fantroy

James L. Fantroy have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

#24

---



---



---



---



---

Nature of Conflict:

Security contract

As a result of this conflict, I will not take any official action in regard to the matter stated above.

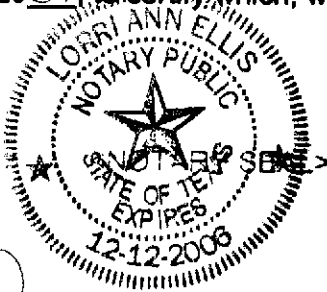
James L. Fantroy  
Signature of Employee/Official

11-10-04  
Date

BEFORE ME, the undersigned authority, on this day personally appeared

James L. Fantroy, who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 10<sup>th</sup> day of November, 2004, to certify which, witness my hand and seal.



Lorri Ann Ellis  
Signature of officer administering oath

Lorri Ann Ellis  
Printed name of officer administering oath

Notary Public  
Title of officer administering oath

**CATEGORY: ITEMS FOR INDIVIDUAL CONSIDERATION**

**AGENDA DATE:** November 10, 2004  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Housing  
**CMO:** Ryan S. Evans, 670-3314 *card*  
**MAPSCO:** 66P

---

**SUBJECT**

Authorize (1) the Dallas Housing Finance Corporation to issue tax-exempt mortgage revenue bonds in an amount not to exceed \$15,000,000 and taxable bonds in an amount not to exceed \$500,000 for the benefit of TX Simpson Villas Housing, L.P. for the new construction of up to 250 multifamily units for families, to be known as the Simpson Villas Apartments, located at 3200 Simpson Stuart Road and (2) support for the Texas Department of Housing Community Affairs to issue 4% tax credits to support development of the project - Financing: No cost consideration to the City

Recommendation of Staff: Denial

**BACKGROUND**

The Dallas City Council created the Dallas Housing Finance Corporation (DHFC) in 1984 to provide financing for affordable single family ownership and multifamily rehabilitation and development within the city. The DHFC has received an application from TX Simpson Housing, L.P. (Applicant) for the issuance of tax-exempt multifamily mortgage revenue bonds in the amount of \$15,000,000 tax-exempt and taxable bonds in the amount of \$500,000 for the land acquisition and construction of 250 new multifamily units to be known as the Simpson Villas Apartments located at 3200 Simpson Stuart Road. The property is zoned MF-2(A). On October 9, 2004, the DHFC provided a preliminary inducement for the project, subject to City Council approval. On October 5, 2004, the Applicant was issued a Certificate of Reservation for a tax-exempt bond allocation from the Texas Bond Review Board, not to exceed \$15 Million.

The Applicant's proposed income mix is 125 units for tenants with incomes at 50% and below the Area Median Family Income (AMFI) and 125 units for tenants with incomes at 60% and below AMFI. Two units may be occupied by management or maintenance personnel. The proposed unit mix is 22 one-bedroom, 114 two-bedroom and 114 three-bedroom units.

**DID NOT PASS**



**BACKGROUND (continued)**

The proposed community will have common area amenities such as a pool, fitness center, business center/computer lab, children's play area and community center. The project owner will conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants: health screenings; counseling/domestic crisis intervention; emergency assistance; adult education programs (such as: ESL, life skills and nutrition classes, etc.); any social and recreational activities.

The DHFC held a community meeting on September 27, 2004, to receive public input. The Tax Equity and Fiscal Responsibility Act (TEFRA) hearing was held on November 9, 2004.

The TDHCA has received an application for low income housing tax credit financing under the new TDHCA rules in the 2004 Qualified Allocation Plan and Rules (QAP). TDHCA funding for projects in the city of Dallas must be approved by City Council. Under the 2004 QAP rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, the Applicant must obtain prior approval of the governing body of the municipality. The resolution must include a written statement of support from the governing body referencing the State rule and authorizing an allocation of housing tax credits for the development.

In addition, the City Council must vote to allow the construction of the proposed new development if the proposed new development is located within one linear mile or less from a project that: (1) has received housing tax credits or tax exempt bond financing within the preceding three year period; (2) has not been withdrawn or terminated from the States' tax credit program; and (3) serves the same type of household as the proposed development. The resolution must include a written statement of support from the governing body referencing the State rule and authorizing an allocation of housing tax credits for the development. Simpson Villas is located within one mile of the proposed Homes of Pecan Grove project, which is also proposed for 2004 tax credits.

Approval of this application will enable the Applicant to develop up to 250 units of affordable housing for families. The Housing Department did not recommend approval of this project without a City-approved development plan for the entire parcel.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On October 9, 2003, the Dallas Housing Finance Corporation voted to preliminarily induce tax-exempt bonds for the Simpson Villas Apartments.

**DID NOT PASS**

**PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)**

On September 20, 2004, the Housing and Neighborhood Development Committee was briefed on proposed tax credit projects receiving 2004 Private Activity Bond allocations from the Texas Bond Review Board.

On October 4, 2004, the Housing and Neighborhood Development Committee was briefed on the Simpson Villas project.

On October 11, 2004, the Finance and Audit Committee was briefed on the Simpson Villas project.

On October 20, 2004, the City Council was briefed on the Simpson Villas project.

**FISCAL INFORMATION**

No cost consideration to the City

**MAP**

Attached

**DID NOT PASS**



1 : 3200 Simpson Stuart Road

DID NOT PASS